

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DARNELL E. HARRIS,	§
	§
Defendant Below-	§ No. 433, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 9407002626
Plaintiff Below-	§
Appellee.	§

Submitted: November 3, 2005

Decided: January 9, 2006

Before **STEELE**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

ORDER

This 9th day of January 2006, upon consideration of the opening brief, the State's motion to affirm, and the record below, it appears to the Court that:

(1) The defendant-appellant, Darnell Harris, filed this appeal from the Superior Court's denial of his second motion for reduction of sentence. The State of Delaware has moved to affirm the Superior Court's judgment on the ground that it is manifest on the face of Harris' opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that Harris was convicted in 1996 of second degree murder and numerous other offenses. The Superior Court sentenced

him to 92 years imprisonment. This Court affirmed his convictions and sentence on direct appeal.¹ We also affirmed the Superior Court's subsequent denial of Harris' petition for postconviction relief.² In 1996, Harris filed a motion for reduction of sentence, which the Superior Court denied. In 2005, Harris filed another motion for reduction of sentence, which also was denied. This appeal followed.

(3) After careful consideration of the parties' respective positions on appeal, we find it manifest on the face of Harris' opening brief that the appeal is without merit. Not only was Harris' motion for reduction of sentence untimely under Superior Court Criminal Rule 35(b), it also was repetitive. The Superior Court is not required to consider repetitive motions for reduction of sentence. Accordingly, we find no error in the Superior Court's denial of Harris' latest motion.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ *Harris v. State*, 695 A.2d 34 (Del. 1997).

² *Harris v. State*, 2001 WL 433459 (Del. Apr. 25, 2001).